

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE ENROLLED ACT No. 1

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AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 9-14-2-2, AS AMENDED BY P.L.107-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The bureau may adopt and enforce rules under IC 4-22-2 that are necessary to carry out this title.

(b) The rules adopted under IC 4-22-2 by the Indiana commission on proprietary education established by IC 21-17-2-1 (before its repeal) concerning truck driver training schools are considered, after December 31, 2011, rules of the bureau.

(c) The rules adopted under IC 4-22-2 by the Indiana criminal justice institute established by IC 5-2-6-3 concerning commercial driver training schools are considered, after December 31, 2011, rules of the bureau.

(d) The rules adopted under IC 4-22-2 by the department of state revenue established by IC 6-8.1-2-1 concerning a student of a truck driver training school and a truck driver training school are considered, after December 31, 2011, rules of the bureau.

(e) The rules adopted under IC 4-22-2 by the Indiana state board of education established **before June 1, 2015**, by IC 20-19-2-2 (**expired June 1, 2015**) concerning driver education are considered, after December 31, 2011, rules of the bureau.

SECTION 2. IC 20-18-2-19, AS ADDED BY P.L.1-2005,



SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. "State board" refers to the Indiana state board of education established by:

- (1) before June 1, 2015, IC 20-19-2-2 (expired June 1, 2015);**
- and**
- (2) after May 31, 2015, IC 20-19-2-2.1.**

SECTION 3. IC 20-18-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

### **Chapter 3. Legislative Intent**

**Sec. 1. The Constitution of the State of Indiana provides that the general assembly establishes the education policies for the state of Indiana. The general assembly has delegated duties to the state board in IC 20-19-2-14 and other statutes and may continue to authorize the state board to establish policies and procedures in the manner set forth by statute. The department is responsible for administering and carrying out the duties of the department as provided by IC 20-19-3-4 and other statutes and by the policies and procedures established by the state board in the manner set forth in statute.**

SECTION 4. IC 20-19-2-2, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana state board of education is established. The state board consists of:

- (1) the state superintendent; and
- (2) ten (10) members appointed by the governor.

(b) The following provisions apply to members of the state board appointed by the governor:

- (1) At least four (4) of the members must be actively employed in the schools in Indiana and hold a valid teaching license.
- (2) At least one (1) member must be appointed from each congressional district in Indiana.
- (3) Not more than six (6) members of the state board may be appointed from the membership of any one (1) political party.
- (4) The term of office of a member begins on July 1. Except as provided in subdivision (5), the term of office of a member is four (4) years.
- (5) The governor may dismiss a member for just cause.
- (6) The governor may appoint a member to fill a vacancy occurring on the state board. A member appointed under this subdivision serves for the remainder of the unexpired term.

(c) A quorum consists of six (6) members of the state board. An



action of the state board is not official unless the action is authorized by at least six (6) members.

(d) The state superintendent serves as chairperson of the state board.

**(e) This section expires June 1, 2015.**

SECTION 5. IC 20-19-2-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 2.1. (a) This section applies beginning June 1, 2015.**

**(b) The Indiana state board of education is established.**

**(c) The state board may appoint an executive director. The executive director may, with the approval of the state board, hire personnel necessary to carry out the duties and responsibilities of the state board under this title. The state board shall be funded by an appropriation from the general assembly.**

**(d) The state board and the department are considered state educational authorities within the meaning of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99).**

SECTION 6. IC 20-19-2-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. (a) Beginning June 1, 2015, the state board consists of the following members:**

**(1) The state superintendent.**

**(2) Eight (8) members appointed by the governor. The following provisions apply to members of the state board appointed under this subdivision:**

**(A) At least six (6) members appointed under this subdivision must have professional experience in the field of education as provided in subsection (b).**

**(B) Members shall be appointed from different parts of Indiana with not more than one (1) member being appointed from a particular congressional district.**

**(C) Not more than five (5) members of the state board may be appointed from the membership of any one (1) political party.**

**(3) One (1) member, who is not a member of the general assembly, appointed by the speaker of the house of representatives.**

**(4) One (1) member, who is not a member of the general assembly, appointed by the president pro tempore of the senate.**

**(b) For purposes of subsection (a), an individual is considered to**



have professional experience in the field of education if the individual has teaching or leadership experience at a postsecondary educational institution or is currently employed as, or is retired from a position as:

- (1) a teacher;
- (2) a principal;
- (3) an assistant superintendent; or
- (4) a superintendent.

(c) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(d) Subject to subsection (e), the members of the state board shall elect a chairperson and vice chairperson annually from the members of the state board. The vice chairperson shall act as chairperson in the absence of the chairperson.

(e) Notwithstanding subsection (d), the state superintendent shall serve as the chairperson of the state board until a chairperson is elected under subsection (d) at the first meeting of the state board after December 31, 2016, which shall be held not later than January 15, 2017. A vice chairperson shall be elected at the first meeting of the state board after June 30, 2015, which shall be held not later than August 1, 2015. This subsection expires July 1, 2018.

(f) Except as otherwise provided in subsection (g), each member appointed under subsection (a)(2) through (a)(4) serves a four (4) year term. The term begins on July 1.

(g) A member appointed under subsection (a)(2) through (a)(4) may be removed from the state board by the member's appointing authority for just cause. Vacancies in the appointments to the state board shall be filled by the appointing authority. A member appointed under this subsection serves for the remainder of the unexpired term.

(h) The state board shall meet at a minimum at least one (1) time each month. The state board shall establish the date of the next monthly meeting during the monthly meeting of the state board. In addition to the monthly meeting required under this subsection, the state board shall meet at the call of the chairperson.

SECTION 7. IC 20-19-2-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) After May 31, 2015, a reference to the state board in a statute, rule, or other document is considered a reference to the state board established by section 2.1 of this chapter.



(b) After May 31, 2015, a rule adopted by the state board established by section 2 of this chapter (expired June 1, 2015) is considered a rule adopted by the state board established by section 2.1 of this chapter. However, a rule described in IC 9-14-2-2(e) is considered a rule of the bureau of motor vehicles.

(c) On June 1, 2015, the property and obligations of the state board established by section 2 of this chapter (expired June 1, 2015) are transferred to the state board established by section 2.1 of this chapter.

(d) An action taken by the state board established by section 2 of this chapter (expired June 1, 2015) before June 1, 2015, shall be treated after May 31, 2015, as if it were originally taken by the state board established by section 2.1 of this chapter.

SECTION 8. IC 20-19-2-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.4. (a) The chairperson and the vice chairperson are jointly responsible for establishing agendas for state board meetings after receiving and considering recommended agenda items from the members of the state board.

(b) Notwithstanding IC 5-14-1.5-5, the chairperson shall provide public notice of a state board meeting in the manner described in IC 5-14-1.5-5(b) and shall make the agenda for a state board meeting available on both the state board's and the department's Internet web sites at least five (5) days before the state board meeting.

SECTION 9. IC 22-4.1-19-2, AS ADDED BY P.L.7-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "state board" refers to the Indiana state board of education established by:

(1) before June 1, 2015, IC 20-19-2-2 (expired June 1, 2015);

and

(2) after May 31, 2015, IC 20-19-2-2.1.

SECTION 10. [EFFECTIVE UPON PASSAGE] (a) The definitions used in IC 20 apply throughout this SECTION.

(b) The terms of members serving on the state board May 14, 2015, expire June 1, 2015.

(c) Notwithstanding IC 20-19-2-2.2(f), as added by this act, the term of members appointed under IC 20-19-2-2.2(a)(2) through IC 20-19-2-2.2(a)(4), both as added by this act, begins on June 1, 2015.

(d) Notwithstanding IC 20-19-2-2.2(f), as added by this act, a state board member initially appointed by the speaker of the house



of representatives under IC 20-19-2-2.2(a)(3), as added by this act, shall serve an initial term through June 30, 2017. A state board member initially appointed by the president pro tempore of the senate under IC 20-19-2-2.2(a)(4), as added by this act, shall serve an initial term through June 30, 2019.

(e) Notwithstanding IC 20-19-2-2.2(f), as added by this act, a state board member initially appointed by the governor under IC 20-19-2-2.2(a)(2), as added by this act, shall serve an initial term as follows:

(1) Two (2) members shall serve an initial term through June 30, 2016.

(2) Two (2) members shall serve an initial term through June 30, 2017.

(3) Two (2) members shall serve an initial term through June 30, 2018.

(4) Two (2) members shall serve an initial term through June 30, 2019.

(f) This SECTION expires January 1, 2020.

SECTION 11. An emergency is declared for this act.



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President of the Senate

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President Pro Tempore

\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

